

### **REMARKS/ARGUMENTS**

The non-final Office Action mailed June 8, 2010 has been carefully reviewed and these remarks are responsive to that Office Action. Reconsideration and allowance of this application are respectfully requested. Claims 1-25, 29-31 remain pending in this application. Claims 1, 10, 18-25, and 29 have been amended. No new matter has been added to the amended claims. Support for the amendments may be found in paragraphs 40, 41, 48, 50, among other places, of the specification as originally filed. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

#### **Rejections under 35 U.S.C. § 101**

Claims 18-25 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter as follows. Claims 18-25 allegedly define a signal with descriptive material stored on a machine readable storage medium. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible machine readable medium, a signal embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Claims 18-25 have been amended to read as "non-transitory machine-readable medium" claims as suggested by the Office Action on page 3. Thus, reconsideration and allowance of claims 18-25 are respectfully requested.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041), hereinafter referred to as Knudson, in view of Rosser (U.S. Patent No. 6,446,261), hereinafter referred to as Rosser1 and Dougherty (U.S. Patent 6,725,461).

Independent claim 1 has been amended to recite, among other things:

wherein the interactive channel bug is used to facilitate voting for an option

None of the references of record disclose or suggest at least this feature of amended claim 1. Knudson describes a program guide system "in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data

and real-time data such as sports scores, news data, and the like.” (See; Knudson, Abstract.) Rosser1 describes “a method of anonymous targeted insertion of indicia into video broadcasts.” (See; Rosser1, Abstract.) Dougherty discusses a system and method to “provide a generalized reminder system in an interactive broadcast environment, that enables a viewer to quickly establish reminders for both broadcast events and non-broadcast events, and have such reminders displayed at an appropriate future time.” (See; Dougherty, Abstract.) Knudson, Rosser1, and Dougherty, however, do not describe the use of interactive channel bugs to “facilitate voting for an option,” as claimed. In fact, none of these references even mention the ability to facilitate voting.

None of the other cited references (e.g. Rosser2, etc) overcome these deficiencies of Rosser1, Knudson, and Dougherty. In addition, Applicant respectfully disagrees that the cited references are properly combinable as asserted in the 103 rejection. For at least these reasons, independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 2-9 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

Independent claim 10 has been amended to recite, among other things:

wherein the interactive channel bug provides a rollout menu that includes hyperlinks to allow a user to select and access information via a packet switched network

None of the references of record disclose or suggest at least this feature of amended claim 10. While Schein mentions the use of the internet in providing information, Schein nowhere discloses or suggests “a rollout menu that includes hyperlinks to allow a user to select and access information via a packet switched network,” as claimed. None of the other references cure this deficiency in Schein. In addition, Applicant respectfully disagrees that the cited references are properly combinable as asserted in the 103 rejection. For at least these reasons, independent claim 10 distinguishes over the references of record and is in condition for allowance. Claims 11-17 depend from claim 10 and are distinguishable for at least the same reasons as claim 10, and further in view of the various features recited therein.

Independent claim 18 has been amended to recite, among other things:

wherein the first interactive channel bug is replaced by the second interactive channel bug during a change of displaying content from the first content provider to content from the second content provider

None of the references of record disclose or suggest at least this feature of amended claim 18. While Knudson mentions the use of an interactive guide system, Knudson does not disclose or suggest that “the first interactive channel bug is replaced by the second interactive channel bug during a change of displaying content from the first content provider to content from the second content provider,” as claimed. None of the other references cure this deficiency in Knudson. In addition, Applicant respectfully disagrees that the cited references are properly combinable as asserted in the 103 rejection. For at least these reasons, independent claim 18 distinguishes over the references of record and is in condition for allowance. Claims 19-25 depend from claim 18 and are distinguishable for at least the same reasons as claim 18, and further in view of the various features recited therein.

Claims 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson and Rosser1, in view of Rosser (U.S. Patent No. 6,750,919), hereinafter referred to as Rosser2, and in view of Schein (U.S. Patent No. 6,002,304), hereinafter Schein. Rosser2 describes a system and method for placing event related information into a video broadcast. (*See*; Rosser2, Abstract.) Schein describes “systems and methods for providing television schedule information to a viewer, and for allowing the viewer to link, search, select, and interact with information in a remote database.” (*See*; Abstract, Schein).

Independent claim 29 has been amended to recite, among other things:

aligning an interactive bug over the non-interactive video transmission bug at the position without user intervention, wherein the interactive bug is configured to provide information related to available messages

None of the references of record disclose or suggest at least this feature of amended claim 29. While Knudson mentions the use of an interactive guide system, Knudson does not disclose or suggest that “the interactive bug is configured to provide information related to available messages,” as claimed. None of the other references cure this deficiency in Knudson. In

addition, Applicant respectfully disagrees that the cited references are properly combinable as asserted in the 103 rejection. For at least these reasons, independent claim 29 distinguishes over the references of record and is in condition for allowance. Claims 30-31 depend from claim 29 and are distinguishable for at least the same reasons as claim 29, and further in view of the various features recited therein.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: September 8, 2010

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